

**PLANNING & ZONING COMMISSION
MEETING
September 27, 2016
6:00 PM**

Present: Sarah Murphy
Debi Renfroe
Kenneth Collins
Steve Gulas
Derryll Anderson
Mike Menchinger

Chair Murphy called the September 27, 2016 meeting to order. The first item on the agenda was approval of minutes for the July 28, 2016 called meeting.

Chair Murphy called for a motion on the minutes.

Motion: Commissioner Collins moved to approve the minutes from July 28, 2016 called meeting.

Second: Commissioner Anderson.

Vote: For: Collins, Anderson, Gulas, Renfroe. Abstained: Vice-Chair Menchinger (not present at last meeting).

Motion carried 4-0-1.

Chair Murphy called for a motion on the August 23, 2016 minutes.

Motion: Commissioner Collins moved to approve the minutes from August 23, 2016 meeting.

Second: Commissioner Anderson.

Vote: Unanimous

Motion carried

OLD BUSINESS

**Fayette Ventures, LLLP. - Behind Hwy. 92 & Jimmy Mayfield
Annexation & Rezoning Request/File #16-022**

Chair Murphy called for staff report on the project. Ms. Prince reported that the city participated in a legal binding arbitration proceedings on Wednesday September 21, 2016 with no outcome. Staff recommends the item be ***Tabled*** until the October 25, 2016 Planning & Zoning Commission meeting.

Chair Murphy called for a motion on the Annexation & Rezoning Request

Motion: Vice-Chair Menchinger moved to **Table** until the October 25, 2016 Planning and Zoning Commission Meeting.

Second: Commissioner Collins.

Vote: Unanimous

Motion carried.

**Fayette Ventures, LLLP. - Behind Hwy. 92 & Jimmy Mayfield
Rezoning Request/File #16-023**

Chair Murphy called for staff report on the project. Ms. Prince reported because the applicant's requests are being considered all one project staff recommends this project also be **Tabled** until the October 25, 2016 Planning & Zoning Commission Meeting.

Chair Murphy called for a motion on the Rezoning Request

Motion: Commissioner Renfroe moved to **Table** until the October 25, 2016 Planning and Zoning Commission Meeting.

Second: Commissioner Collins.

Vote: Unanimous

Motion carried.

NEW BUSINESS

Chair Murphy called for a staff update on the three amendments.

Ordinance Amendment

Chapter 94 zoning (section 94-165) Downtown historic mixed use district (C-1).

Ms. Prince reported from time to time the City receives a request for development of a new business, or an application for a business license that due to the specialized nature of the proposed business, it is not listed in the City's itemization of acceptable uses in any of our zoning districts.

The City Code describes the procedure for additions to the list of uses in a zoning district as follows.

Sec. 94-134. - Uses not listed.

- (a) For any use not listed in this chapter, the planning and zoning commission shall determine the proper requirements by classifying the proposed use among the uses

which are listed and assigning the use to appropriate zoning district or prohibited uses, which may be reviewed by the city council pursuant to article II.

In an effort to provide guidance, staff researches the business type, hours of operation and any additional impact the proposed new business may have on the neighboring community. This allows the Planning and Zoning Commission to make an informed decision when a new use is added to the City's itemization of acceptable uses, and ensures the new business is assigned to the appropriate zoning district.

Staff researched the proposed uses and determined that they would be beneficial to the mix and vitality of the historic downtown. Both uses were analyzed

- 1) The recommended zoning designation for a farmer's market is the Downtown Historic Mixed Use District (C-1).

Staff also recommends the farmer's market use be allowed only by Special Exception, this will allow the P&Z Commission to review and set conditions as necessary to ensure that the use will not adversely impact any neighboring community and ensure the quality of life in Fayetteville is maintained

- 2) The recommended zoning designation for a "radio and television studios, or other broadcast media" is the Downtown Historic Mixed Use District (C-1). The location in the C-1 district would not allow visible external antennas on site. Currently radio and television studios with antennas at least 500 feet from a residential property line are allowed in M-1.

The entire text of Section 94-165 Downtown Historic Mixed Use District (C-1), with the proposed amendments, is attached for your review. Insertions are underlined.

Staff recommends ***Approval*** of the proposed ordinance amendments.

Chair Murphy called for public comments on the C-1 amendments. There were no public comments. Chair Murphy then called on the commissioners for their comments. Chair Murphy stated there is a radio station that is coming to the square and asked if there were any applications for a farmers' market downtown. Staff replied there are no current applications however, the new downtown master plan that will be presented for adoption in the coming months proposes farmers' markets be allowed in the downtown historic district.

Motion: Vice-Chair Menchinger moved to ***Approve*** the ordinance amendments to (section 94-165).

Second: Commissioner Anderson.

Vote: Unanimous

Motion carried

Ordinance Amendment

Chapter 94 zoning (section 94-166) Community commercial (C-2)

Ms. Prince reported Staff consulted with the City Attorney as well as the Georgia Board of Funeral Service, and the Secretary of State's office. Additionally, Staff has been researching the impacts of crematoriums on nearby properties and how crematoriums are regulated in other cities. We are also researching appropriate locations for such services.

Due to the unanticipated complexity of this issue, staff is still researching the topic and anticipates bringing forward a recommendation in October. Staff's current recommendation is to **Table** this agenda item until the October 25, 2016 Planning and Zoning Commission meeting.

Motion: Vice-Chair Menchinger moved to **Table** Ordinance Amendment for (section 94-166) until October 25, 2016 Planning & Zoning Commission Meeting.

Second: Commissioner Renfroe.

Vote: Unanimous

Ordinance Amendment

Chapter 94 zoning (section 94-169) Light Manufacturing district (M-1)

Ms. Prince reported Staff is bringing forward two amendments to the M-1 district. One is a use not listed. The other is a clarification.

As stated earlier, when uses are not listed, there is a procedure to follow for additions to the list of uses in a zoning district.

The City recently received an application for development of a blood plasma donation center. Due to the specialized nature of the business, it became apparent that this business type would need to be added to the list of uses and assigned to an appropriate zoning district.

Staff researched the proposed business and determined that this type of business would have a large regional draw, serving several surrounding counties (1,500 to 3,000 donations per week), with estimated traffic trips at (3,000 to 6,000 per week). The daily traffic activity this type of business will create will also require that an adequate amount of parking be provided.

After careful consideration of the estimated traffic trips and the parking that will be necessary for this type of business, staff recommends the following.

The recommended description for this business is "Non mobile blood plasma donation centers."
The recommended zoning designation is M-1 (Light Manufacturing District).

Staff also recommends the use be allowed only by Special Exception, this will allow the P&Z Commission to review and set conditions as necessary to ensure that the use will not adversely impact any neighboring community and ensure the quality of life in Fayetteville is maintained.

Clarification to Section 94-169 (22)

Along with the addition of the above stated business type, staff is also proposing amendments to Section 94-169(22) with the addition of the following underlined language.

(22) Radio and television studios, or other broadcast media provided that antennas are at least 500 feet from the nearest residential property line.

Staff recommends ***Approval*** of the proposed ordinance amendments.

Chair Murphy called for public comments on the ordinance amendment to M-1. There were no public comments. Chair Murphy then called on the commissioners for their comments. Vice Menchinger revisited the previous amendment in regards to broadcast media. He asked if cell phone usage was included? Staff replied this applies to broadcast media only.

Motion: Vice-Chair Menchinger moved to ***Approve*** ordinance amendments to (section 94-169) with the exception that item number 22 any state radio or television studio or other broadcast media, provided that any portion of the antenna structure is at least 500 feet from the nearest residential property line.

Second: Commissioner Renfroe.

Vote: Unanimous

Staff Reports

Southern Behavioral Healthcare PC - 110 Braxton Court Development Plans / File # 16-029

Ms. Brown reported on the receipt of an application from Salewa Taiwo for exterior modification of the structure at 110 Braxton Court. Mr. Jefferson Browne gave an overview of the project. The P&Z Commission was given the opportunity to ask questions of the applicant and render comments. Commissioners asked staff to provide pictures of the existing elevations for the October 25 Planning & Zoning Commission meeting.

Bojangles Restaurant - 810 South Glynn Street, Special Exception & Variance Request / File # 16-030

Ms. Prince reported on the receipt of an application from Bojangles Restaurant for the development of a restaurant with drive thru at 810 South Glynn Street. Mr. Brian Kemsey and Chris Hack gave an overview of the project. The P&Z Commission was given the opportunity to ask questions of the applicant and render comments. Commissioners suggested the applicant reduce the number of parking spaces to help reduce the variance request for increased impervious surface area percentage.

LIDL US Operations - 1307 Highway 85 North Rezoning & Variance Request / File # 16-031

Ms. Brown reported on the receipt of an application from LIDL US Operations for the development of a 35,962 square foot grocery store at 1307 Highway 85 North. Mr. Clay Massey, Mr. Brian West and Ms. Shaun Walker gave an overview of the project. The P&Z Commission was given the opportunity to ask questions of the applicant and render comments. Based on the number of variances requested, commissioners stated the proposed project may not be a good fit at this location.

Chair Murphy called for a motion to adjourn.

Motion: Vice-Chair Menchinger moved to adjourn the meeting of September 27, 2016.

Second: Commissioner Gulas.

Vote: Unanimous

Motion carried.

Meeting Adjourned.

Respectfully submitted,

Kathleen Powell
P&Z Administrative Assistant